

BARRY J. PORTMAN
Federal Public Defender
REBECCA SULLIVAN SILBERT
Assistant Federal Public Defender
555 - 12th Street
Suite 650
Oakland, CA 94607-3627
Telephone: (510) 637-3500
Counsel for Defendant LILLY

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. 4-06-70440 WDB
)	
Plaintiff,)	STIPULATION AND ORDER
)	CONTINUING DATE FOR PRELIMINARY
vs.)	HEARING OR ARRAIGNMENT FOR
)	JEANNE LILLY
JEANNE LILLY,)	
)	Current Date: September 7, 2006
Defendant.)	Requested Date: October 19, 2006
)	

Jeanne Lilly is scheduled to appear for preliminary hearing or arraignment on September 7, 2006. The parties have reached a resolution of this matter, but the plea agreement must be approved by Washington, D.C.. This approval process is generally slow, and approval will not be obtained by September 7. Therefore, the parties stipulate and agree, and respectfully request, that the date for preliminary hearing or arraignment be continued to October 19, 2006.

Ms. Lilly has a right under Federal Rule of Criminal Procedure 5.1 to a preliminary hearing or indictment within 20 days. Ms. Lilly and counsel have discussed that right, and Ms. Lilly desires to waive that right. Good cause for the extension exists because of the delay in receiving approval for the plea agreement. In addition, Ms. Lilly has a right under 18 U.S.C. § 3161(b) to be indicted within thirty days. Ms. Lilly and counsel have discussed that right, and

Ms. Lilly desires to exclude time between September 7, 2006 and October 19, 2006 under 18 U.S.C. § 3161(h)(8)(A) and (B)(iv) because of the delay in approval. In addition, counsel for Ms. Lilly will be out of town on September 28 and 29, out of the state from October 6 through the 13th, and has a Ninth Circuit argument on October 17. These scheduling issues will make counsel unavailable, and therefore provide another basis for excluding time. The parties stipulate that the ends of justice served by the granting of this continuance outweigh the best interests of the public and Ms. Lilly in a speedy indictment and trial.

SO STIPULATED.

/S/

Date: 9/05/06

Rebecca Silbert
Assistant Federal Public Defender
Counsel for Ms. Lilly

/S/

Date: 9/06/06

George Bevan
Assistant United States Attorney

I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document.

In light of the stipulation of the parties, and because of the counsel's unavailability and the delay in the plea agreement, the Court HEREBY ORDERS that the date for preliminary hearing or arraignment, as applied to Jeanne Lilly, be continued to October 19, 2006. The Court further orders that time be excluded from September 7, 2006 to October 19, 2006, pursuant to 18 U.S.C. § 3161(h)(8)(A) and (B)(iv), and finds that the ends of justice served by granting the continuance outweigh the best interests of the public and Ms. Lilly in a speedy indictment and trial. The Court further finds that the continuance is necessary for effective preparation of counsel because of the delay in the plea agreement, and for continuity of counsel because of counsel's unavailability.

Dated: September 6, 2006

Honorable Magistrate Judge Wayne D. Brazil
Northern District of California